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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,598	09/12/2001	Tim Goldstein	10007811-1	8279

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/954,598	Applicant(s) GOLDSTEIN ET AL.	
	Examiner Gevell Selby	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/05 has been entered.

Response to Arguments

2. Applicant's arguments filed 7/6/05 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

1) “means for storing an uncropped portion of the merged image such that, responsive to the at least two images being captured, the means for storing stores the at least two images and provides the at least two images for merging;

wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom” as claimed in claim 1;

2) “storing an uncropped portion of the merged image and deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera” as claimed in claim 9;

3) “logic that stores an uncropped portion of the merged image; and

logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera” as claimed in claim 17. The Examiner respectfully disagrees.

Examiner's Reply:

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Kinjo reference discloses a digital camera, method and computer readable medium comprising a means for merging at least two images of a scene to form a merged image (see Para. 91-93). The Kinjo reference does not disclose a means for cropping the merged image or a means for storing the uncropped portion of the merged image as the examiner stated in the previous office action. The Ishihama reference was brought in to teach a means for cropping a displayed image (see column 4, lines 8-35: When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display. The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved). By modifying the Kinjo reference in view of the Ishihama reference to have the means of cropping and the means for storing, the combination discloses the claimed invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 5, 7-10, 13, 15-17, 20, 22, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328.**

In regard to claim 1, Kinjo, US 2002/0001036, discloses a digital camera (see figure 1), comprising:

means for merging at least two image of a scene to form a merged image (see figure 1, element 14), the at least two images including different views of the scene (see Para. 91-93 and figure 3b: the two image are displayed together as a merged image);

means for storing (see figure 1, element 16)

at least at least two images and provides at least two images for merging, responsive to the at least two images being captured (see Para. 15 and 59: A picture of subject A and a picture of subject B is captured and stored in the memory 16).

The Kinjo reference does not disclose a means for cropping the merged image and a means for storing an uncropped portion of the merged image wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom.

Ishihama et al., US 5,557,328, discloses a digital camera comprising:

means for cropping a displayed image (see column 4, lines 8-35: When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display. The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved); and

means for storing an uncropped portion of the merged image (see figure 3 and column 4, lines 32-35).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, to have means for cropping the displayed image and a means for storing an uncropped portion of the displayed image wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom, in order for the user to easily control the selection of a portion of the image to view and save and save and to save memory space.

In regard to claim 9, Kinjo, US 2002/0001036, discloses a method of controlling the operation of the camera, comprising:

storing at least two captured images representing different image views of a scene (see Para. 15 and 59: A picture of subject A and a picture of subject B is captured and stored in the memory 16);

merging at least two captured images to form a merged image (see Para.

91-93 and figure 3b: the two image are displayed together as a merged image);

The Kinjo reference does not disclose storing an uncropped portion of the merged image; and deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.

Ishihama et al., US 5,557,328, discloses a digital camera as described above in regard to claim 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, to store an uncropped portion of the merged image and deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera, in order for the user to easily control the selection of a desired portion of the image to view and save and to save memory space.

In regard to claim 17, Kinjo, US 2002/0001036, discloses a computer readable medium for controlling the operation of the camera (It is inherent the CPU (24) stores a control program in a storage medium to use to operate the camera (see Para. 51), comprising:

logic that merging at least two captured images to form a merged image corresponding to different image views of a scene to form a merged image (see

Para. 91-93 and figure 3b: the two image are displayed together as a merged image);

The Kinjo reference does not disclose logic that stores an uncropped portion of the merged image and logic that deletes a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.

Ishihama et al., US 5,557,328, discloses a digital camera as described above in regard to claim 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, to have logic that stores an uncropped portion of the merged image and logic that deletes a cropped portion of the merged image such that images are no longer stored in the digital camera, in order for the user to easily control the selection of a desired portion of the image to view and save and to save memory space.

In regard to claims 2 and 10, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera and method of controlling the operation of the camera recited in claims 1 and 9, respectively. The Ishihama reference discloses further comprising means for deleting a cropped portion of merged image (see column 4, lines 30-32: The uncropped portion is deleted when the image is cropped or zoomed in).

In regard to claims 5, 13, and 20, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the

camera and a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Kinjo reference discloses wherein the at least two images of the scene are captured sequentially in time (see Para. 92).

In regard to claims 7, 15, and 22, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, and a computer readable medium (It is inherent the microcomputer (14) stores a control program in a storage medium to use to operate the camera for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Kinjo reference discloses wherein said at least two images have an overlapping image field (see figure 8 and Para. 92).

In regard to claims 8, 16, and 23, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, 17 respectively. The Kinjo reference discloses wherein said at least two images have substantially the same image field (see figure 8 and Para. 92).

In regard to claims 1, 9, and 17, Kinjo, US 2002/0001036, discloses a digital camera (see figure 1), method of controlling the operation of the camera, and a computer readable medium (It is inherent the CPU (24) stores a control program in a storage medium to use to operate the camera (see Para 51)) for controlling the operation of a digital camera comprising:

means for merging at least two image of a scene to form a merged image (see figure 1, element 14), the at least two images including different views of the

scene (see Para. 91-93 and figure 3b: the two image are displayed together as a merged image);

means for storing (see figure 1, element 16)

at least at least two images and provides at least two images for merging, responsive to the at least two images being captured (see Para. 15 and 59: A picture of subject A and a picture of subject B is captured and stored in the memory 16).

The Kinjo reference does not disclose a means for cropping the merged image and a means for storing an uncropped portion of the merged image wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom.

Ishihama et al., US 5,557,328, discloses a digital camera comprising:

means for cropping a displayed image (see column 4, lines 8-35: When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display. The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved); and

means for storing an uncropped portion of the merged image (see figure 3 and column 4, lines 32-35).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of

Ishihama et al., US 5,557,328, to have means for cropping the displayed image and a means for storing an uncropped portion of the displayed image wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom, in order for the user to easily control the selection of a portion of the image to view and save.

6. Claims 6, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, as applied to claims 1, 9, and 17 above and further, in view of Weldy et al., EP 0858208.

In regard to claim 6, 13, and 21, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera recited in claims 1, 9, and 17. The Kinjo and Ishihama references do not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, and further in view of Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER